

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Chapter 7 Estate of
Bernard L. Madoff,

Plaintiff,

v.

NATIXIS FINANCIAL PRODUCTS LLC and
BLOOM ASSET HOLDINGS FUND,

Defendants.

Adv. Pro. No. 23-01017 (CGM)

**STIPULATION AND ORDER
EXTENDING DEFENDANTS' TIME TO APPEAL**

This Stipulation and Order is entered into by and between plaintiff Irving H. Picard (the "Trustee"), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC and the chapter 7 estate of Bernard L. Madoff, and defendants Natixis

Financial Products LLC and Bloom Asset Holdings Fund (“Defendants”), by and through their respective undersigned counsel.

RECITALS

1. On May 22, 2023, Defendants filed a motion to dismiss the complaint in this adversary proceeding. Motion to Dismiss, *Picard v. Natixis Fin. Prods. LLC*, Adv. Pro. No. 23-01017 (CGM) (Bankr. S.D.N.Y. May 22, 2023), ECF No. 17.¹

2. On November 9, 2023, following briefing by the parties and oral argument, this Court issued its Memorandum Decision Denying Defendants’ Motion to Dismiss (the “Memorandum Decision”), ECF No. 31.

3. On November 27, 2023, based on the Memorandum Decision, this Court entered its Order Denying Defendants Natixis Financial Products LLC’s and Bloom Asset Holdings Fund’s Motion to Dismiss the Complaint. ECF No. 35 (the “Motion to Dismiss Order”).

4. Under Federal Rule of Bankruptcy Procedure (“Bankruptcy Rule”) 8002(a)(1), the last day on which to file a notice of appeal from the Motion to Dismiss Order is 14 days after entry of the order, *i.e.*, on December 11, 2023.

5. Under Bankruptcy Rule 8002(d)(1), the Bankruptcy Court may extend the time to file a notice of appeal upon a party’s motion that is filed within the time prescribed by Bankruptcy Rule 8002, *i.e.*, by December 11, 2023. Bankruptcy Rule 8002(d)(3) permits such an extension up to 21 days after the time prescribed by Bankruptcy Rule 8002(a)(1).

6. Pursuant to Bankruptcy Rules 8002(d)(1) and 8002(a)(1), Defendants seek an extension of time to file their notice of appeal to January 2, 2024.

¹ Unless otherwise indicated, all ECF references herein refer to the above-captioned adversary proceeding, *Picard v. Natixis Fin. Prods. LLC*, Adv. Pro. No. 23-01017 (CGM) (Bankr. S.D.N.Y.).

7. The Trustee consents to Defendants' request to extend their time to appeal to January 2, 2024.

8. No previous motion for an extension of time to file such notice of appeal has been made.

IT IS THEREFORE STIPULATED THAT:

1. For purposes of Bankruptcy Rule 8002(d), this Stipulation and Order shall be deemed a motion by Defendants for extension of time (the "Motion for Extension") for filing (a) a notice of appeal of the Motion to Dismiss Order and (b) a motion for leave to appeal in accordance with Bankruptcy Rules 8002(a)(1) and 8004(a) (collectively, the "Required Filings"), through and including January 2, 2024.

2. The Trustee consents to Defendants' Motion for Extension, and this Court hereby grants it pursuant to Bankruptcy Rule 8002(d).

3. If Defendants move for leave to appeal the Motion to Dismiss Order, Defendants shall make the Required Filings by January 2, 2024.

4. If Defendants move for leave to appeal the Motion to Dismiss Order, Defendants consent to any request by the Trustee to the District Court for an extension of time up to 21 days to oppose such motion.

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Dated: November 29, 2023
New York, New York

By: /s/ Joanna F. Wasick

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LLC and the Chapter 7 Estate of Bernard L.
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By: /s/ H. Seiji Newman

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Attorneys for Defendants

SO ORDERED.

**Dated: November 30, 2023
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**